



GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT

157 Short Street, Bishop, California 93514-3537
760-872-8211 Fax: 760-872-6109

May 29, 2013

Mr. Colin Connor, Assistant Chief
Land Management Division
100 Howe Avenue, Suite 100 South
Sacramento, Ca 95825

Subject: Response to LADWP letter dated March 22, 2013 objecting to proposed placement of air monitoring equipment, "North Beach" air monitoring site, Owens Lake, Inyo County

Dear Mr. Connor:

Presented below is the Great Basin Air Pollution Control District's (District's) response to the objections raised in the letter received from Mr. Martin L. Adams of the Los Angeles Department of Water and Power (LADWP) to the California State Lands Commission (CSLC) regarding the relocation of a District air monitoring station, known as the "North Beach" station, onto CSLC property at the north shore of Owens Lake. In order to clarify the context of this relocation, presentation of some background information is in order. In November 2012, the District received notice from LADWP (attached) that leases for three District air monitoring stations located on LADWP property, including the North Beach station, had been canceled and the stations were to be removed within 30 days. The North Beach station had been in operation on LADWP property since November 2008.

In December 2012, the District removed the three stations and began looking for new locations on non-LADWP property that would be representative of the same areas as the previous locations. Staff found suitable locations for two of the monitors on lands administered by the U. S. Bureau of Land Management (BLM), and a suitable location for the third monitor on land managed by the CSLC.

District staff has determined that the proposed location of the North Beach monitor onto CSLC-administered state land meets all of the criteria regulating the location of air quality monitoring stations as set forth in Title 40 of the Code of Federal Regulations, Part 58, Appendix E. In choosing this particular location, District staff has carefully assessed its compliance with the applicable federal regulations and determined that the location meets all federal siting requirements for PM10 monitoring for the purpose of determining compliance with the National



Ambient Air Quality Standards (NAAQS). The proposed North Beach monitoring location is on CSLC-administered land adjacent to lands leased by the CSLC to the LADWP (PRC 8079.9). The proposed location is 360-feet south-southeast of its original location and is representative of the same area.

The LADWP wrongly believes that the PM₁₀ data collected from the station in the proposed location could not be used for NAAQS comparison since the data, “would undoubtedly be impacted by the traffic activities on the nearby dirt and gravel roadways and, therefore, inaccurately reflect actual PM₁₀ emissions within the area.” The presence of dirt roads is representative of sources that could impact air quality in this area. Furthermore, the proposed location is actually further from, and therefore less impacted by, the two roads mentioned in LADWP’s letter (197-feet east of the T36 Corridor road and 413-feet south of the Boulder Creek/Main Line Road) and it would be located on and surrounded by four inches of gravel cover dust control. In addition, LADWP is required by the *2008 Owens Valley State Implementation Plan* (2008 SIP) to control dust from the unpaved roads associated with its Owens Lake dust control efforts in accordance with District rules 400 and 401. District Rule 401 requires, with regard to roads, “Application of asphalt, water, or suitable chemicals on dirt roads, material stockpiles, and other surfaces which can give rise to airborne dusts.” As long as the LADWP maintains the roads, there should be no significant dust impacts to the monitoring station. The LADWP’s ability to control dust from the unpaved road was demonstrated during the construction of the 2-square-mile “Phase 8” gravel mitigation area when over 200 gravel trucks per day drove within 65 feet of North Beach station’s original location. During this period of intensive truck traffic (January-September 2012) 24-hour average PM₁₀ concentrations rose by only 10 microgram per cubic meter ($\mu\text{g}/\text{m}^3$) to 30 $\mu\text{g}/\text{m}^3$, which is well below both the state PM₁₀ standard of 50 $\mu\text{g}/\text{m}^3$ and the federal PM₁₀ standard of 150 $\mu\text{g}/\text{m}^3$.

The LADWP letter objects to the proposed location stating that it would be a violation of the 2008 SIP to locate the site below the 3600-foot elevation Owens Lake regulatory shoreline. The 2008 SIP, however, states that monitors will be located at “shoreline and **near shore**” locations [emphasis added]. The proposed site is within 325-feet horizontally and 1-foot vertically of the north shoreline. The previous site was also “near” but below the regulatory shoreline and was installed at a location recommended and approved via lease by LADWP.

District staff has been in contact with LADWP Power staff, which indicated that bringing power to the new location, “would not be a problem.” The plan is to drop a line from the nearest utility line located on State Lands approximately 85 feet to a new power supply pole located several feet from the new shelter location. From the new power supply pole, a 6 to 8-foot-long trench would be dug in which to run electrical conduit. The new drop pole, shelter, and trenching would all take place on a previously disturbed area now covered by 4” of gravel. During trenching, pole installation, and building of the shelter foundation, all gravel will be carefully removed, and then replaced once construction is complete.

Air quality monitoring falls under a Class 6 CEQA exemption (Section 15306. Information Collection) for, “basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource.” Additionally, the site has already been substantially disturbed and is therefore exempt

from further CEQA requirements as a Class 3 (Section 15303 New Construction or Conversion of Small Structures) structure under paragraph (d) "utility extensions... of reasonable length to serve such construction." Based on these citations, the LADWP's CEQA objections have no basis in fact.

In conclusion, the proposed new location for the North Beach monitor meets all siting criteria for PM10 monitoring listed in Title 40 CFR Part 58, Appendix E; it is representative of conditions at the former location; and it is an appropriate site for PM10 monitoring. District staff recommends the CSLC approve the District's request for a lease for the proposed relocation of the North Beach monitoring station to the northern shore area of the Owens Lake as specified in the District's previously submitted application.

Sincerely,



Theodore D. Schade, P.E.
Air Pollution Control Officer

Attachments:

- LADWP Letter to Ted Schade re: Notice of Partial Termination of License Agreement No. 850 (LA-850)
- District Letter to EPA re: Site Closures (without attached LADWP letter)
- EPA Response to Site Closures

cc: Matt Lakin, USEPA 9
Michael Flagg, USEPA 9
Martin L. Adams, LADWP
William Van Wagoner, LADWP

Department of Water and Power



the City of Los Angeles

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General Manager

November 29, 2012

Mr. Theodore D. Schade
Air Pollution Control Officer
Great Basin Unified Air Pollution Control District
157 Short Street
Bishop, California 93514-3537

Dear Mr. Schade:

Subject: Notice of Partial Termination of License Agreement No. 850 (LA-850)

Pursuant to LA-850, dated November 1, 2008, the Los Angeles Department of Water and Power (LADWP) granted the Great Basin Unified Air Pollution Control District (Great Basin) permission to access various lands owned by the City of Los Angeles (City) in order to construct, operate, and maintain certain air monitoring facilities and equipment. The facilities subject to LA-850 are described in Exhibits A and B of the agreement and include, among others, the following:

1. Air monitoring station (formerly subject to License Agreement No. 769), consisting of a prefabricated 8 x 8-foot cube structure (housing air monitoring equipment); a 33-foot tall meteorological tower adjacent to the cube structure; and a barbed-wire-topped 6-foot chain link fence surrounding the site on City-owned property located on Lot 2 (Inyo County Assessor's Parcel Number 29-260-05), in Section 34, Township 18 South, Range 37 East, Mt. Diablo Meridian, County of Inyo, State of California (Dirty Socks Monitor);
2. Air monitoring station (formerly subject to License Agreement No. 801) consisting of a prefabricated 8 x 8-foot equipment shed to house air monitoring equipment; a 33-foot tall meteorological tower located adjacent to the equipment shed; a 25 x 25 x 6-foot barb-wire-topped chain link fence surrounding the equipment shed; and a 915-MHz upper air radar profiler (RASS) enclosed by a 50 x 50 x 6-foot barb-wire-topped chain link fence, which will be located adjacent to the equipment shed enclosure. The air monitoring station shall be located on City-

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Mr. Theodore D. Schade
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owned property, known as the "Mill Site," situated in the northwest quarter of Section 15, Township 17 South, Range 38 East, Mt. Diablo Meridian, County of Inyo, State of California (Mill Site Monitor); and

3. Air monitoring station located on City-owned property situated in a portion of the north half of the northeast quarter of Section 16, Township 16 South, Range 37 East, Mt. Diablo Meridian, County of Inyo, State of California (North Beach Monitor).

For several years, Great Basin has used the data obtained from these monitors, which are identified in the Network Monitoring Plans submitted annually by Great Basin to the U.S. Environmental Protection Agency (EPA), to run its Dust I.D. Model and erroneously justify the issuance of numerous control orders requiring LADWP to install Best Available Control Measures (BACM) on areas surrounding Owens Lake. LADWP will no longer allow the use of its land to support Great Basin's biased efforts to impose sole responsibility for controlling dust in the Owens Valley on it. Furthermore, as EPA monitoring regulations require the presence of only one air quality monitor within the Owens Valley Planning Area (OVPA), Dirty Socks, Mill Site, and North Beach Monitors are not necessary to ensure compliance with any existing legal or regulatory requirements.

Therefore, pursuant to paragraph 12.1 of LA-850, which provides: "Regardless of the manner or duration of use or occupancy of said licensed area by Licensee, and regardless of the permanent character of any works or structures constructed or installed therein or thereon by Licensee, this License may be terminated at any time without cause for any reason or no reason at all in the option of the Department by giving 30 days' notice of termination," LADWP hereby formally notifies Great Basin of its intent to terminate Great Basin's rights under LA-850 to access, operate, and maintain Dirty Socks, Mill Site, and North Beach Monitors. LA-850 shall remain valid and enforceable as to all other facilities subject to the license, as identified in Exhibits A and B of the agreement.

In accordance with Paragraph 12.2, Great Basin is ordered to peaceably vacate and discontinue use of Dirty Socks, Mill Site, and North Beach Monitor sites and facilities within thirty days from the date of this letter, or December 29, 2012, and to comply with all provisions of Paragraph 12 in connection with its surrender of these sites.

Mr. Theodore D. Schade
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If you have any questions regarding this notice or LADWP's exercise of its rights under LA-850, please contact me at (213) 367-1014.

Sincerely,



Martin L. Adams
Director of Water Operations

WTV:jmm

c: Mr. Donald S. McGhie, Senior Real Estate Officer, LADWP

Theodore D. Schade
Air Pollution Control Officer



GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT

157 Short Street, Bishop, California 93514-3537

Tel: 760-872-8211 E-mail: tschade@gbuapcd.org

January 28, 2013

Ms. Deborah Jordan
US EPA Region IX (AIR-1)
75 Hawthorne Street
San Francisco, California 94105

Re: Discontinuance of SLAMS monitors at Dirty Socks, North Beach, and Mill Site

Dear Ms. Jordan:

Due to circumstances beyond the control of the Great Basin Unified Air Pollution Control District (District), last month PM_{10} monitoring was discontinued at three of the District's key monitoring sites and the monitors were removed. The discontinued sites include Dirty Socks, North Beach, and Mill Site in the Owens Valley PM_{10} nonattainment area. These monitoring sites were located on property owned by the City of Los Angeles (City) and leased to the District. As explained in the attached letter, the City terminated the District's leases at these three sites and ordered the District to remove the monitors by December 29, 2012. Because these PM_{10} sites are designated as State and Local Air Monitoring Stations (SLAMS) and are used to develop and implement effective air pollution control strategies, the District is working to re-establish monitoring at nearby locations in accordance with 40 CFR 58.14 (c)(6):

A SLAMS monitor not eligible for removal under any of the criteria in paragraphs (c)(1) through (c)(5) of this section may be moved to a nearby location with the same scale of representation if logistical problems beyond the State's control make it impossible to continue operation at its current site.

These SLAMS monitors are not eligible for removal under 40 CFR 58.14 (c)(1) through (c)(5) because they have measured an average of between 4.4 and 19.0 PM_{10} exceedances per year since they were installed (see table below). These monitoring sites are important components of the District's Dust ID monitoring network and are integral to the implementation of the PM_{10} control strategy in the Owens Valley Planning Area. These sites are also important in the implementation of the Coso Junction PM_{10} Maintenance Plan, which has been approved by the US EPA. Ultimately, these sites will be needed to demonstrate that the area has attained the standard.

Ms. Deborah Jordan, US EPA

January 28, 2013

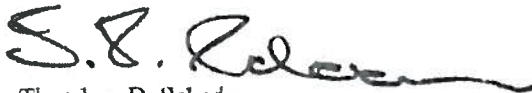
Therefore, in accordance with 40 CFR 58.14 (c)(6), the following SLAMS sites were discontinued and will be moved as expeditiously as possible to nearby representative locations.

Site Name	AQS Site Number	Start Date	Discontinued	Years in operation	Total Number of PM ₁₀ Violations	Ave. Violations per Year
Mill Site	06-027-0030	May 4, 2011	Dec. 26, 2012	1.6	7	4.4
Dirty Socks	06-027-0022	Jun. 1, 1999	Dec. 19, 2012	13.6	259	19.0
North Beach	06-027-0029	Nov. 25, 2008	Dec. 26, 2012	4.1	44	10.7

The District is in the process of securing the approvals required to re-establish monitoring at nearby locations within the same neighborhood scale distance (<1 km) from the former sites. The District is proposing to relocate the sites onto public land administered by the U.S. Bureau of Land Management (Dirty Socks and Mill Site) and the California State Lands Commission (North Beach). Mainly due to electric power supply (which is provided by the City's Department of Water & Power), the total estimated cost to move these sites and to provide electrical power to the three locations is about \$160,000. We will provide the coordinates for the new sites when we get permission from the land management agencies and have confirmed the location of the power drops.

Please call me or Chris Lanane at (760) 872-8211 if you have any questions regarding this matter.

Sincerely,



Theodore D. Schade
Air Pollution Control Officer

Attachment

cc: Matthew Lakin, US EPA
Michael Flagg, US EPA
Amy Zimpfer, US EPA
Sylvia Oey, CARB
Mike Miguel, CARB
Bernadette Lovato, US BLM
Colin Connor, CSLC
Martin Adams, LADWP

From: Lakin.Matthew@epamail.epa.gov
Subject: **Potential site closures/relocations for GBUAPCD's Dirty Socks, Mill Site, and North Beach PM10 monitoring sites**
Date: December 17, 2012 3:15:54 PM PST
To: "Ted Schade" <tschade@gbuapcd.org>
Cc: Flagg.MichaelA@epamail.epa.gov, Zimpfer.Amy@epamail.epa.gov, "Chris Lanane" <clanane@gbuapcd.org>, "Duane Ono" <dono@gbuapcd.org>

Ted,

Thank you for notifying us of LADWP's partial termination of license agreement number 850, causing GBUAPCD to vacate and discontinue the Dirty Socks, Mill Site, and North Beach PM₁₀ sites by December 29, 2012. As you are aware, all three of these PM₁₀ sites are designated as SLAMS and cannot be shutdown or moved without EPA approval. Also, the shutdown of these sites without EPA approval may call into question whether the area is attaining the standard and could also impact the ability of GBUAPCD to develop appropriate emissions inventories and effective control strategies.

40 CFR 58.14 outlines the required process for the discontinuance of SLAMS monitors:

- 40 CFR 58.14 (c) State, or where appropriate, local agency requests for SLAMS monitor station discontinuation, subject to the review of the Regional Administrator, will be approved if any of the following criteria are met and if the requirements of appendix D to this part, if any, continue to be met. Other requests for discontinuation may also be approved on a case-by-case basis if discontinuance does not compromise data collection needed for implementation of a NAAQS and if the requirements of appendix D to this part, if any, continue to be met.
- 40 CFR 58.14 (c)(1) Any PM_{2.5}, O₃, CO, PM₁₀, SO₂, Pb, or NO₂ SLAMS monitor which has shown attainment during the previous five years, that has a probability of less than 10 percent of exceeding 80 percent of the applicable NAAQS during the next three years based on the levels, trends, and variability observed in the past, and which is not specifically required by an attainment plan or maintenance plan. In a nonattainment or maintenance area, if the most recent attainment or maintenance plan adopted by the State and approved by EPA contains a contingency measure to be triggered by an air quality concentration and the monitor to be discontinued is the only SLAMS monitor operating in the nonattainment or maintenance area, the monitor may not be discontinued.
- 40 CFR 58.14 (c)(2) Any SLAMS monitor for CO, PM₁₀, SO₂, or NO₂ which has consistently measured lower concentrations than another monitor for the same pollutant in the same county (or portion of a county within a distinct attainment area, nonattainment area, or maintenance area, as applicable) during the previous five years, and which is not specifically required by an attainment plan or maintenance plan, if control measures scheduled to be implemented or discontinued during the next five years would apply to the areas around both monitors and have similar effects on measured concentrations, such that the retained monitor would remain the higher reading of the two monitors being compared.
- 40 CFR 58.14 (c)(3) For any pollutant, any SLAMS monitor in a county (or portion of a county within a distinct attainment, nonattainment, or maintenance area, as applicable) provided the monitor has not measured violations of the applicable NAAQS in the previous five years, and the approved SIP provides for a specific, reproducible approach to representing the air quality of the affected county in the absence of actual monitoring data.
- 40 CFR 58.14 (c)(4) A PM_{2.5} SLAMS monitor which EPA has determined cannot be compared to the relevant NAAQS because of the siting of the monitor, in accordance with § 58.30.
- 40 CFR 58.14 (c)(5) A SLAMS monitor that is designed to measure concentrations upwind of an urban area for purposes of characterizing transport into the area and that has not recorded violations of the relevant NAAQS in the previous five years, if discontinuation of the monitor is tied to start-up of another station also characterizing transport.
- 40 CFR 58.14 (c)(6) A SLAMS monitor not eligible for removal under any of the criteria in paragraphs (c)(1) through (c)(5) of this section may be moved to a nearby location with the same scale of representation if logistical problems beyond the State's control make it impossible to continue operation at its current site.

Loss of lease generally qualifies as a logistical problem beyond the State's control, per 40 CFR 58.14 (c)(6). We would need additional information to determine whether any of the other provisions apply. If 40 CFR 58.14 (c)(6) were used as the basis for approval, the current sites must be replaced with sites of the "same scale of representation," which generally means that the replacement site must represent the same conditions and sources as the previous site. Given that each of your sites captures its own combination of sources and controls from portions of Owens Lake, this may require substantial analysis once a new site is established. Monitoring agencies generally pursue a period of parallel monitoring, where both the existing and replacement sites are operated simultaneously to establish that the new site represents the same conditions as the previous site. While this may not be possible in your case, we strongly encourage efforts to maintain the current sites until adequate replacement sites can be established, allowing time for this comparison.

We will continue to work with you and your staff on the appropriate path forward. Please let me know if you have any questions.

Matt

Matthew Lakin, Ph.D.
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